

BPP86CLT

TYPE OF RECORD: PERMANENT

CATEGORY OF RECORD: CONTRACT AND EASEMENT

NAME OF AGENCY OR CONTRACTOR: BRACH ENTERPRISES AND PIONEER PARK PARTNERSHIP
BY LOUIS R. BRACH AND BETTY M. BRACH

STREET ADDRESS/PARCEL NAME/SUBDIVISION/PROJECT: PARCEL NO. 2945-164-00-
266 AND PARCEL NO. 2945-153-00-018, CONNECTED LAKES TRAIL SYSTEM

CITY DEPARTMENT: PUBLIC WORKS

YEAR: 1986

EXPIRATION DATE: NONE

DESTRUCTION DATE: NONE

copy

AGREEMENT

This Agreement was entered into this 2 day of ~~June~~^{July}, 1986 between the City of Grand Junction, hereafter "City", and Brach Enterprises, a general partnership, and Pioneer Park Partnership, a general partnership, hereafter collectively referred to as "Owners."

Recitals

Owners own certain tracts of real property located in the City of Grand Junction and State of Colorado, more particularly described on Exhibits "A" and "B" attached hereto.

Owners have agreed to convey an easement along the southern and western boundaries of their tracts to Mesa County for use as a recreational trail in, the Connected Lakes Trail System.

In consideration of the conveyance by Owners of the easement to Mesa County, the City has agreed to waive any additional open space requirements applicable to the identified tracts.

Agreement

IN CONSIDERATION of the Recitals and the mutual covenants contained herein, the parties accordingly agree as follows:

1. Recreation Easement. Owners agree to execute and deliver a public right-of-way and recreational easement along the center line identified in Exhibit C to Mesa County in a form acceptable to the County. Owners further agree that they will charge no fee or other consideration to Mesa County for the easement.
2. Waiver of Open Space Requirements. Upon execution and delivery to Mesa County of the easement, the City waives all open space and parks and recreation requirements which may now or in the future be imposed against the tracts identified in Exhibits "A" and "B", including the dedication of any additional property or the payment of any fee to the City of Grand Junction, or its successors and assigns.
3. Additional Documents. The City agrees to promulgate such resolutions, ordinances, or other documents necessary to accomplish the purposes of this Agreement, as the same may be required from time to time.

4. Binding Effect. The terms of this Agreement inure to the benefit of, and are binding upon, the heirs, successors and assigns of the parties.

CITY OF GRAND JUNCTION

By 

President of City Council

ATTEST:


City Clerk

BRACH ENTERPRISES, a partnership


Louis R. Brach


Betty M. Brach

PIONEER PARK PARTNERSHIP, a partnership

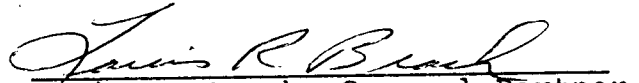

Louis R. Brach, General Partner

EXHIBIT "A"

TRACT OWNED BY BRACH ENTERPRISES

Beginning North 1041.32 feet from Southeast corner of Section 16, Township 1 South, Range 1 West of the Ute Meridian, thence N 3.13 feet, thence N 58°50'W 474.62 feet, thence N 0°38'9"W 24.50 feet, thence N 89°53'53"W 91 feet, thence N 0°26'57"W 34 feet, thence N 55°33'W 210 feet, thence N 0°26'57"W 198.05 feet, thence S 85°11'53"E 367.61 feet, Mesa County, Colorado.

Also known as Parcel No. 2945-164-00-266.

EXHIBIT "B"

TRACT OWNED BY PIONEER PARK PARTNERSHIP

Beginning N 85°20'W 74.78 feet and S 0°11.5'W 1611.73 feet from the Southwest corner of Section 15, Township 1 South, Range 1 West, Ute Meridian, thence N 85°20'E 169.22 feet, thence S 75°20'E 482 feet, thence S 75°30'E 31 feet, thence S 50°47'E 130 feet, thence S 20°47'E 250 feet, thence S 24°13'W 70.7 feet to the North right-of-way of State Highway 340, Mesa County, Colorado.

Also known as Parcel No. 2945-153-00-018.

A Public Right of Way and Recreational Easement 12.00 feet in width, described as a center line, being 6.00 foot on either side.

Beginning at the Southeast corner of Section 16, being a common corner with the Southwest corner of section 15, Township 1 South, Range 1 West, Ute Meridian Mesa County, State of Colorado.

Thence N 00 00' 00" W 1346.73 feet to the Northeast corner of the SE 1/4 of the SE 1/4 of said Section 16, said corner being common with the Northwest corner of the SW 1/4 of the SW 1/4 of Section 15, Township 1 South, Range 1 West, Ute Meridian.

Thence S 19 11' 34" E 402.62 feet to the **TRUE POINT OF BEGINNING**, said point being on the Northeast right-of-way of State Highway 340, as recorded in Mesa County, Clerk and Recorder Book 985 Page 831, said point also being the Southeast property line of the Pioneer Park Partnership, a Colorado General Partnership, as deeded in Book 1409 Page 176.

THENCE from the **TRUE POINT OF BEGINNING**, being the center line of this 12.00 foot wide Public Right-of-Way and Recreational Easement, running along and northeast of an existing drainage and waste ditch the following courses and distance:

- | | | | | |
|-----|------|---------|---|--------------|
| 1. | N 51 | 36' 26" | W | 155.88 feet. |
| 2. | N 58 | 41' 37" | W | 281.02 feet. |
| 3. | N 56 | 51' 07" | W | 76.15 feet. |
| 4. | N 52 | 58' 48" | W | 100.44 feet. |
| 5. | N 63 | 51' 28" | W | 75.60 feet. |
| 6. | N 55 | 32' 20" | W | 89.37 feet. |
| 7. | N 15 | 22" 08 | W | 64.28 feet. |
| 8. | N 39 | 09' 10" | W | 104.39 feet. |
| 9. | N 20 | 06' 49" | W | 103.83 feet. |
| 10. | N 56 | 28' 45" | W | 45.91 feet, |

to the point of termination. Said point being on the west line of the Brach Enterprises property as deeded in Book 1390 Page 259. Said point of termination bearing N 22 02' 10" W 1792.00 feet from the Southeast corner of said Section 16,

All being in Section 15 and 16, Township 1 South, Range 1 West, Ute Meridian, Mesa County, State of Colorado.

Mesa County Surveying Dept
 Fred A Weber.
 April 4, 1986.

Exhibit "C"
 Colorado River Trail System

"Brach" Property